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June 21, 2024

Honorable Joel Schneider (Ret.)  
Montgomery McCracken Walker & Rhoads LLP  
457 Haddonfield Road, Suite 600  
Cherry Hill, NJ 08002

**Re: In RE: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation (MDL No. 2738) – Hess Deposition Date**

Dear Judge Schneider:

I write on behalf of Defendants regarding the deposition of Paul Hess.

As we have discussed over email, there have been difficulties securing a deposition date of Mr. Hess which have now gone on for two months. Defendants originally requested a deposition of Mr. Hess on April 23. After Your Honor's June 12 order, Defendants reached out to the PSC the next day (June 13) to schedule the deposition and offered three days during the week of June 24. Finally, after Your Honor ordered Plaintiffs to supply the contact information for Mr. Hess' counsel, I called him on June 20 and offered any day next week for the deposition. He did not appear to be familiar with Your Honor's Orders or opinion on the motion. I have yet to hear back from him or anyone else on the Plaintiffs' side with regard to a date for the deposition.

Scheduling this deposition is now running up against three separate events. First, there is a July 2 deadline to complete expert depositions in this matter. Second, as I mentioned in my last letter and in light of the case-defining nature of the inquiry, it is also important that this deposition occur prior to defense expert Dr. Shu-Chun. Dr. Su's deposition is currently scheduled for July 2. That sequencing will give Dr. Su a full and fair opportunity to evaluate the information that arises out of the Mr. Hess's deposition, comment on it, and also give the PSC an opportunity to question Dr. Su on his conclusions and criticisms, if any, regarding Mr. Hess's testimony. Third is the July 23 deadline for filing R. 702 motions.

Defendants therefore request that Mr. Hess be ordered to appear for deposition on or before June 28.

Respectfully submitted

Susan Sharko

cc: All Counsel (via ECF)